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RCE \$ 1047

# BAKER BOTTS LLP

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## REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL

Attorney Docket No. 31920-PCT-USA 072900.0107

First Named Inventor Tarro et al.

Express Mail Label No. EL 866 934 455 US

Total Pages 9 (original + 2 copies)

RCE Trans.  
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OCT 18 2001

TECH CENTER 1600/2900

October 12, 2001

### BY EXPRESS MAIL

Assistant Commissioner for Patents  
Box RCE  
Washington, DC 20231

Sir:

This is a Request for Continued Examination (RCE) of prior application No. 09/125,122  
filed on January 4, 1999, entitled PHARMACEUTICAL COMPOSITIONS COMPRISING  
NATURAL HUMAN ALPHA-INTERFERON

The term for response or taking action in the prior application expires on November 18, 2001.

☒ An extension of time for response in the prior application is:

☒ filed concurrently herewith.

☐ has been filed on.

☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☒ An amendment is enclosed.

☐ Affidavit(s)/Declaration(s) enclosed

Information Disclosure Statement (IDS) is enclosed.

☐ PTO-1449

☐ Copies of IDS Citations

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☒ The amendment fee has been calculated as shown below:

	Claims remaining after amend. (Col. 1)	Highest No. Prev. Paid for (Col. 2)		Present extra (Col. 3)	SMALL ENTITY		or	OTHER THAN A SMALL ENTITY	
					RATE	FEE		RATE	FEE
Total	* 7	Minus **20	=	0	x 9 =	\$0	or	x 18 =	\$0
Ind.	* 2	Minus ***3	=	0	x 42 =	\$0	or	x 84 =	\$0
( ) First Presentation of Multiple Dependent Claim					+ 140 =	\$0	or	+ 280 =	\$0
TOTAL ADDITIONAL FEE					=	\$0	or	TOTAL =	\$0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. prev. paid for" in this space is less than 20, write "20" in this space.

\*\*\* If the "Highest No. prev. paid for" in this space is less than 3, write "3" in this space.

☒ An Extension of Time to respond to the PTO communication dated June 14, 2001 is hereby requested. The required fee, indicated below, is enclosed herewith.

Calculation of extension fee (37 CFR 1.17(1)-(5)):

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
[ ]	one month	\$ 110.00	\$ 55.00
[ ]	two months	\$ 400.00	\$ 200.00
<input checked="" type="checkbox"/>	three months	\$ 920.00	\$ 460.00
[ ]	four months	\$ 1,440.00	\$ 720.00
[ ]	five months	\$ 1,960.00	\$ 980.00

Fee \$460.00

☒ If an additional extension of time is required, please consider this a petition therefor.  
(check and complete the next item, if applicable)

☒ An extension for three months has been requested and the fee paid therefor of \$460.00 in the accompanying Amendment transmittal letter, which fee is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$0

Fee Payment Being Made:

[X] Enclosed

[X]	RCE filing fee	\$370.00
	Amendment Fee	\$0.00
	Extension of Time Fee	\$0.00
	Total Fees Enclosed	\$370.00

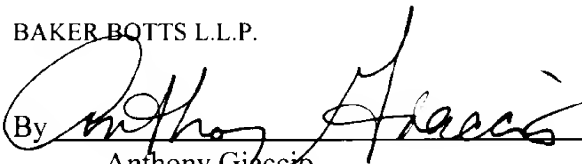
☐ A check in the amount of \$\_ is enclosed.

☐ Other \_\_\_\_\_

[X] The Commissioner is hereby authorized to charge payment of the RCE filing fee of \$370.00 to our Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

[X] The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

BAKER BOTTS L.L.P.

By   
Anthony Giaccio

PTO Registration No. 39,684

**BAKER BOTTS LLP**



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**PATENT**

Our File No.: 31920-PCT-USA 072900.0107

Date: October 12, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tarro and Brozzo

Serial No. : 09/126,122

Examiner : Bunner, B.

Filed : January 4, 1999

Group Art Unit: 1647

FOR : PHARMACEUTICAL COMPOSITIONS  
COMPRISING NATURAL HUMAN ALPHA-INTERFERON

October 12, 2001

**VIA EXPRESS MAIL LABEL NO. EL 866 934 455 US**

Assistant Commissioner for Patents  
Box RCE  
Washington, DC 20231

Sir:

Transmitted herewith is (1) a Request for Continued Examination (RCE) and (2) an Amendment in the above-identified application.

1. ☒ Small entity status of this application has been established.
2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
3. ☐ No additional fee is required.

The fee has been calculated as shown below:

		Claims remaining after amendt. (Col. 1)	Highest No. Prev. Paid for (Col. 2)		Present extra (Col. 3)	<u>SMALL ENTITY</u>			<u>OTHER THAN A SMALL ENTITY</u>		
						<u>RATE</u>	<u>FEE</u>	<u>or</u>	<u>RATE</u>	<u>FEE</u>	
Total	*	7	Minus **20	=	0	x	9 =	\$0	<u>or</u>	x	18 = \$0
Ind.	*	2	Minus ***3	=	0	x	42 =	\$0	<u>or</u>	x	84 = \$0
			( ) First Presentation of Multiple Dependent Claim			+	140 =		<u>or</u>	+	280 =
TOTAL ADDITIONAL FEE							=	\$0	or	TOTAL	= \$0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. prev. paid for" in this space is less than 20, write "20" in this space.

\*\*\* If the "Highest No. prev. paid for" in this space is less than 3, write "3" in this space.

4.(a)[X] An Extension of Time to respond to the PTO communication dated June 14, 2001 is hereby requested. The required fee, indicated below, is enclosed herewith.

Extension for response (check only one):

	<u>SMALL ENTITY</u>		<u>OTHER THAN A SMALL ENTITY</u>	
Within first month	<input type="checkbox"/>	\$ 55	<input type="checkbox"/>	\$ 110
Within second month	<input type="checkbox"/>	200	<input type="checkbox"/>	400
Within third month	<input checked="" type="checkbox"/>	460	<input type="checkbox"/>	920
Within fourth month	<input type="checkbox"/>	720	<input type="checkbox"/>	1,440

(check and complete the next item, if applicable)

☐ An extension for months has already been secured and the fee paid therefor of \$ is deducted from the total fee due for the total months of extension now requested.

☒ Extension fee due with this request \$460.00

or

(b)[X] In the event that an extension of time is required, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. [X] Please charge our Deposit Account No. 02-4377 in the amount of \$460.00. Two copies of this sheet are enclosed.

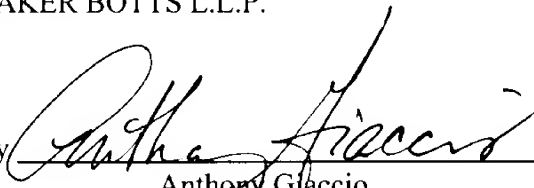
6. ☐ A check in the amount of \$ is attached.

7. [X]

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

BAKER BOTTS L.L.P.

By

  
Anthony Glaccio

PTO Registration No. 39,684

Enclosures